



W.P. No.30158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.30158 of 2022

S.Mohamed Ibrahim

... Petitioner

Vs

1.The District Collector,
Thiruvallur District.

2.The Tahsildar,
Ponneri Taluk
Tiruvallur District.

3.The Executive Officer
Naravarikuppam Municipality
Redhills, Chennai-600 052.

...

Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned notice issued by the 3rd respondent in Notice No.Na.Ka.No.159/2021/Aa2 dated 25.10.2022 and to quash the same.

For the Petitioner :: Mr.Mohana Murali

For the Respondents :: Mr.A.Selvendran,



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Special Government Pleader
ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed for the issuance of a Writ of Certiorari to call for the records relating to the impugned notice issued by the 3rd respondent in Notice No. Na.Ka. No.159/2021/Aa2 dated 25.10.2022 and to quash the same.

2. Mr.Mohana Murali, learned counsel appearing for the petitioner would submit that the petitioner and his family members are in lawful possession and enjoyment of the property situated at No.7, Dharga Street, Red Hills, Chennai, with the leasehold rights of the land owned by Thurukhan Chatram Trust, represented by its trustee Ameenuddin Abul Hasan. The petitioner and his family members entered into a lease agreement dated 15.10.2019 for the land comprising Survey No.97A/1A, measuring about 3032 sq.ft. situated in Naravarikuppam Village, Ponneri Taluk. When the structure and compound wall in the said land is existing for the last two decades with six feet passage to access the property is available, on 03.07.2021, one Charles, Satish, Dinesh reached the petitioner's



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property along with henchmen and severely assaulted the petitioner and threatened the petitioner that he would meet with dire consequences if he opposed the demolition of the compound wall and gate. The petitioner was admitted in hospital and a complaint was also given to the Inspector of Police, Red Hills, who registered a first information report in Cr.No.1148 of 2021. Thereafter, the petitioner has also filed a civil suit on the file of learned District Munsif, Ponneri, in O.S.No.55 of 2022 seeking permanent injunction restraining the above mentioned persons from disturbing his peaceful possession and enjoyment of the property. The suit is posted for further hearing on 28.11.2022. The learned counsel submitted that when the petitioner has put up wall only in his patta land, the criminal trespass by the miscreants cannot be allowed to escape the clutches of law. In the meanwhile, the impugned notice has been issued. Therefore, the petitioner has questioned the same.

3. Mr.A.Selvendran, learned Special Government Pleader, appearing for the respondents would submit that a fresh survey will be conducted with prior notice to the petitioner and the affected parties. If the survey reveals any encroachment, either by the



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petitioner or others, the same would be removed forthwith. The petitioner undertakes to cooperate with the survey and remove encroachment if any found on his part. The respondents are granted six weeks' time, from the date of receipt of a copy of this order, to undertake the above exercise.

4. The writ petition is disposed of accordingly. No costs. Consequently, WMP No.29592 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
14.11.2022

Index: Yes/No
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WEB COPY To

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.

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